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BOYD GAMING CORPORATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BOYD GAMING CORPORATION, a
Nevada Corporation,

Plaintiff,

v.

HANS MARTIN POLLACK, an
individual,

Defendant.

Case No. 2:11-CV-566 KJD-PAL

**(PROPOSED)
TEMPORARY RESTRAINING ORDER
AND ORDER SETTING HEARING ON
PRELIMINARY INJUNCTION**

UPON CONSIDERATION of the motion filed by Plaintiff for a temporary restraining order and injunction to place certain domain names on hold and lock, the supporting memorandum of points and authorities, the supporting declaration and evidence, the record in this case, and for other good cause shown;

THE COURT HEREBY FINDS THAT:

1. Plaintiff will suffer irreparable injury if the Court does not require Globedom, the domain name registrar, to place the domain names <stardustgaming.com> and <stardustgaming.net> ("Infringing Domain Names") on hold and lock, pending litigation of this matter.

2. Plaintiff is likely to succeed on the merits of its claim for cybersquatting under the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) because Plaintiff has

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1 demonstrated that Defendant Hans Martin Pollack ("Defendant") registered the Infringing
 2 Domain Names with a bad faith intent to profit from Plaintiff's STARDUST trademarks
 3 ("Plaintiff's Marks"), which were distinctive and/or famous at the time Defendant registered the
 4 Infringing Domain Names;

5 3. The balance of hardships tips in favor of Plaintiff because issuance of the
 6 temporary restraining order would merely place the Infringing Domain Names on hold and lock
 7 pending trial, and failure to issue the restraining order would cause Plaintiff to suffer and incur
 8 additional expense in having to file additional lawsuit(s) if the Infringing Domain Names were to
 9 be transferred to other registrants during the pendency of this action;

10 THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits:

11 A. The Infringing Domain Names shall be immediately placed on hold and lock by
 12 Globedom;

13 B. Globedom shall disable the current domain name server information;

14 C. In the event that Globedom refuses or fails to comply with this Order within one
 15 day of its service, the top level domain (TLD) Registry for the Infringing Domain Names,
 16 Verisign, Inc., shall be authorized to place the Infringing Domain Names on Registry Hold status,
 17 thus removing them from the TLD zone files maintained by the Registry which link the Infringing
 18 Domain Names to the IP address where the associated website is hosted.

19 D. A nominal bond of \$100 shall be required because the evidence indicates that
 20 Defendant will only suffer, if at all, minimal damage by the issuance of this temporary restraining
 21 order and injunction.

22 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

23 UPON CONSIDERATION of the motion filed by Plaintiff for a preliminary injunction
 24 enjoining Defendant from maintaining any further registration or use of the Infringing Domain
 25 Names, which contains Plaintiff's Marks, the supporting points and memorandum of authorities,
 26 the supporting declaration and evidence, the record in this case, and for good cause shown;

27 In addition, to ensure Defendant receives timely notice of the hearing, given that
 28 Defendant must maintain accurate contact information with the domain name registrar, Plaintiff

1 may, in addition to the requirements of service identified in Federal Rules of Civil Procedure 4
2 and 5, serve the Motion, this Order, and all other pleadings filed to date on Defendant by e-mail
3 transmission.

4 THE COURT HEREBY sets the hearing for Plaintiff's motion for a preliminary injunction
5 on April 19, 2011, at 9:00 a. to be held in Courtroom 6D at the Lloyd D. George
6 Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada.

7 Further, the Court sets forth the following briefing schedule relating to Plaintiff's motion:

8 1. Defendant shall file and serve its opposition papers, if any, no later than
9 April 18, 2011 2011; and

10 2. Plaintiff shall file and serve its reply brief no later than n/a, 2011.

11 ENTERED this 15th day of April, 2011.

12 

13 UNITED STATES DISTRICT JUDGE